

On February 8, 1992, I carried within my womb an unborn baby boy, Zachariah. We were in our ninth month, only four days from delivery.

That night, the man to whom I was then married, Glendale R. Black, brutally beat me. He knew that I very much wanted my son. He punched me very hard twice in the abdomen. Then he refused to call for help, and prevented me from doing so.

When he relented, I was taken by ambulance to the hospital, where Zachariah was delivered by emergency Caesarean section. My son was dead. The physicians said he had bled to death within my womb because of blunt-force trauma. I nearly died, but I recovered.

In 1992, Wisconsin, where the crime occurred, did not have an unborn victims law, and state prosecutors were unable to convict Glendale Black under a law that required them to prove that the assault was intended to kill Zachariah. So, Black was convicted of his assault on me, but not of any charge that recognized the loss of Zachariah's life. He is already eligible for parole.

In 1998, in response to my case and others like it, the Wisconsin Legislature overwhelming enacted one of the nation's strongest unborn victims laws.

But federal law still fails to recognize unborn victims, like Zachariah. Even today, if Zachariah had been killed in the same manner in a federal jurisdiction, his killer could be prosecuted only for assault.

That is wrong. Congress should approve the Unborn Victims of Violence Act (H.R. 503, S. 480). Under this bill, if an unborn child is injured or killed during the commission of an already-defined federal crime of violence, that child will be recognized as a victim.

Opponents of the bill have put forth a counterproposal, known as the Lofgren Amendment. I have read it, and it is offensive to me, because it says that there is only one victim in such a crime—the woman who is pregnant.

Please hear me on this: On the night of February 8, 1992, there were two victims. I was nearly killed—but I survived. Little Zachariah died.

Any lawmaker who is thinking of voting for the Lofgren "one-victim" amendment should first look at the picture of me holding my dead son at his funeral.

Then I would say to that representative, "If you really think that nobody died that night, then vote for the 'one-victim' amendment. But please remember Zachariah's name and face when you decide."

Mr. BLUMENAUER. Mr. Speaker, today I voted in opposition to H.R. 503, the Unborn Victims of Violence Act. Since the landmark *Roe v. Wade* Supreme Court decision, Congress has slowly passed legislation that has eroded women's reproductive choices. This is a personal and private decision that should be made by a woman, her family, her physician, and her beliefs, not subjected to increasing levels of government interference.

Rather than being merely a good faith effort to protect pregnant mothers from violence, the "Unborn Victims of Violence Act" is actually a back door attempt to interject government into individuals private lives. Harsh penalties already exist in 38 States for crimes against pregnant women that result in the injury or death of her fetus.

The overwhelming majority of crimes against pregnant women that cause injury to her fetus occur in cases of domestic abuse or drunk driving accidents, instances that are prosecutable under currently existing state laws. H.R. 503 would do nothing to add to the

existing protections against these serious and prevalent crimes. Nearly one in every three adult women experiences at least one physical assault by their partner during adulthood. Drunk driving accidents continue to result in substantial loss of life in every city across the nation. Instead of focusing on purely political measures aimed at the erosion of a woman's reproductive freedom, we should be protecting women from violence and increase assistance to women in life threatening domestic situations.

I did support the Lofgren Amendment that would have enacted strict punishments for crimes that result in the injury or death of the fetus with out the inclusion of constitutionally questionable language. If protecting pregnant women from violent crime were truly our priority, Congress would have passed this amendment to H.R. 503.

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to H.R. 503, legislation that does nothing to end violence against pregnant women but rather is a backdoor attempt to give a fetus the same legal status as the assaulted woman. Specifically, this measure affords a pregnancy at "all stages of development" legal rights that are equal to, and separate from, those of the woman. Though abortion is explicitly excluded from this bill, it clearly establishes new legal rights for the "unborn child" and would be a major step toward dismantling *Roe v. Wade*. The penalty would be equal to that imposed for injuring the woman herself and would apply from the earliest stage of gestation whether or not the perpetrator knew of the pregnancy.

In recent days, advocates of H.R. 503 have bombarded us with bone-chilling accounts of pregnant women being subject to heinous assaults. Clearly, no one in this body believes such acts of senseless violence should go unpunished. I strongly believe that violent crimes committed against women and in particular, pregnant women, should be punished to the fullest extent of the law. Moreover, we, as lawmakers, have a responsibility to ensure that Federal law properly addresses such violence. That being said, H.R. 503 does nothing to combat domestic violence. In fact, the National Coalition Against Domestic Violence has come forward in opposition to H.R. 503, arguing that it would only divert the attention of the legal system away from violence against women. Unfortunately, this bill is a canard, a red herring, purporting to do one thing while actually accomplishing another.

Mr. Speaker, rather than immersing this House in the theatrics of abortion politics, as the underlying bill does, Congress can make a difference in such heinous cases. The Lofgren substitute, known as the "Motherhood Protection Act" would more effectively address the concern of violence against pregnant women, creating a separate Federal criminal offense for harm to a pregnant woman. Specifically, under the Lofgren substitute, assaults of women that compromise a pregnancy would be subject to a maximum 20-year sentence and, if the assault results in termination, could mean a life sentence. Thus, under this measure, assaults that result in injury or death of an "unborn child" would be subject to the same punishment provided under Federal law as for the violent act against the woman. These penalties would be in addition to any punishment imposed on the assailant for the underlying offense. The key difference between the Lofgren

alternative and H.R. 503 is that it does not create a new legal status for the "unborn child."

Mr. Speaker, the question at hand is what Federal law can do to address assaults on pregnant women. I am certain that my colleagues agree that such attacks should be punished to the fullest extent of the law. The penalties in the Lofgren substitute are equal to, and in some instances, actually stronger than, those in the underlying bill. Accordingly, Mr. Speaker, let's put our difference on abortion aside and enact legislation that genuinely addresses harm to pregnant women and provides a deterrent to violence against women—the Motherhood Protection Act.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to support H.R. 503, the Unborn Victims of Violence Act. I commend the Gentleman from South Carolina, Mr. GRAHAM on this fine piece of legislation.

Mr. Speaker, there is no greater joy than seeing your child for the first time. Personally, I would not trade that feeling for anything in the world.

However, there is no greater pain than losing a child. I have seen the pain in the eyes of potential parents who have suffered the loss of their unborn children. Mr. Speaker, if you had ever seen the look in the eyes of those parents, then you would know that you would never want to feel that pain yourself. Especially, when the unborn child was lost due to an act of violence. Under current Federal and military laws, it is not a crime to end the life of an unborn child, regardless of the circumstances.

Mr. Speaker, today this body will rise up and take a stand against this atrocity. Today, we will make this act of violence a felony and illegal under all Federal laws.

I urge all of my colleagues to protect the lives of the unborn, and protect pregnant women by voting for H.R. 503, the Unborn Victims of Violence Act.

Ms. MCCOLLUM. Mr. Speaker, in the Minnesota State Legislature, I worked to secure health care for families, to fight against domestic violence, and to protect a woman's right to reproductive health choices. In the Minnesota State Legislature, we addressed the issue of violence against women in all stages of life—working with women, their families and doctors.

I am particularly concerned about the legislation that we are considering today. It appears the intention of this legislation is to reverse the Supreme Court ruling of *Roe versus Wade*.

Fundamentally, this legislation seeks to redefine when life begins. I support the landmark decision of *Roe versus Wade* in 1973 that establishes a woman's right to choose to terminate a pregnancy while also allowing individual States to determine the legality of such decisions as a pregnancy proceeds.

H.R. 503 fails to recognize that injury to a pregnancy is first and foremost an injury to a woman. This bill ignores the pregnant woman entirely, and would do nothing to stem violence against women. Crimes of this nature are more appropriately addressed by enhancing penalties for termination of, or injury to, a pregnancy.

H.R. 503 is said to be protection for pregnant women against a violent crime. But the words "mother," "women," or "pregnant women" are not even mentioned in the language of the bill.